

AMENDED IN SENATE APRIL 29, 1999

SENATE BILL

No. 532

**Introduced by Committee on Transportation (Senators
Karnette (Chair), Dunn, Figueroa, Kelley, Monteith,
Polanco, and Rainey)**

February 19, 1999

An act to ~~amend Section 246 of~~ *repeal Sections 20231 and 20341 of the Public Contract Code, to amend Sections 130232 and 180051 of, and to add Section 102223 to, the Public Utilities Code, and to amend Sections 28, 246, 5201, 12517.5, 16560, 21059, 21211, 22522, 22658, 34501.13, and 34520.5 of, the Vehicle Code, relating to vehicles.*

LEGISLATIVE COUNSEL'S DIGEST

SB 532, as amended, Committee on Transportation. ~~Certificate of compliance~~ *Transportation.*

(1) Existing law imposes competitive bidding requirements on the Southern California Rapid Transit District with regard to purchases of supplies, equipment, and materials and the construction of facilities and works when the expenditure required exceeds \$25,000.

This bill would repeal those provisions.

(2) Existing law imposes competitive bidding requirements on transit development boards with regard to certain contracts for construction.

This bill would repeal those provisions.

(3) Existing law requires all contracts for the purchase of supplies, equipment, and materials in excess of \$10,000 that is awarded by the Sacramento Regional Transit District to be

awarded to the lowest responsible bidder after competitive bidding except in an emergency declared by $\frac{4}{5}$ of the board of the district.

This bill would allow the district to procure one or more streetcars that formerly operated for more than 50 years in the district service area without having to comply with competitive bidding procedures.

(4) Under existing law, a county transportation commission is required to award a contract for the purchase of all supplies, equipment, and materials, and the construction of all facilities and works to the lowest responsible bidder when the expenditure required exceeds \$25,000. Existing law also requires the commission to obtain a minimum of 3 quotations, which permit price and terms to be compared, whenever the expected expenditure required exceeds \$1,000, but not \$25,000.

This bill would instead require a contract by the commission for the purchase of all supplies, equipment, and materials to be let to the lowest responsible bidder when the expenditure required exceeds \$40,000. The bill also would instead require the commission to obtain a minimum of 3 quotations which permit price and terms to be compared, whenever the expected expenditure required exceed \$2,500 but not \$40,000.

(5) The Local Transportation and Improvement Act authorizes a county board of supervisors to create a local transportation authority. Under the act, a board of supervisors that chooses to create an entirely new entity as an authority is required to determine the membership of the authority with the concurrence of a majority of the cities having a majority of the population in the incorporated area of the county.

This bill would authorize each member of an authority to have an alternate to vote or otherwise officially participate on behalf of the member at meetings of the authority when the member is not present, to be designated as prescribed.

(6) Under existing law, whenever possession is taken of any vehicle by or on behalf of any legal owner under the terms of a security agreement or lease agreement, the person taking possession is required to immediately notify by the most expeditious means available local law enforcement agencies.

This bill would require the notification to be made within one hour after taking possession of the vehicle.

Existing

(7) Existing law defines “certificate of compliance” for purposes of the Vehicle Code as a document issued by a state agency, board, or commission, or authorized person setting forth that the requirements of a particular law have been satisfied.

This bill would revise that definition to specify that the document is an electronic or printed document.

(8) Existing law prohibits covering vehicle license plates, except as specified.

This bill would allow for the installation of license plate security covers under specified conditions, so long as no portion of a license plate security cover rests over the plate number.

(9) Existing law requires a person who is employed as a driver of a paratransit vehicle to meet certain requirements. Those requirements include the successful completion of specialized training. Existing law provides that the training requirement is satisfied if the driver receives training or a certificate pursuant to, among other things, regional centers for persons with developmental disabilities.

This bill would delete the reference to regional centers for persons with developmental disabilities.

(10) Under existing law, it is a misdemeanor for any person or corporation to operate or cause to be operated on the highways any motor vehicle transporting property or passenger for compensation in interstate commerce without first complying with registration requirements of the Public Utilities Commission.

This bill would recast this provision by correcting a cross-reference and making other technical changes, and by expanding the scope of the provision to apply to motor carriers of property that are engaged in any interstate or foreign transportation for compensation who must first register with the Department of Motor Vehicles or with the carrier’s base registration state. By expanding the scope of a crime, the bill would impose a state-mandated local program.

(11) Existing law prohibits persons from stopping, standing, sitting, or loitering upon certain defined bikeways or any public or private bicycle path or trail if that act impedes or blocks the movement of any bicyclist. Existing law also prohibits a person from placing or parking any, among other things, vehicles upon those bikeways, paths, or trails which impede or block bicyclists, except as specified.

This bill would exempt from these prohibitions the driver or owner of a rubbish or garbage truck while the truck is actually engaged in the collection of rubbish or garbage in a business or residence district if the front turn signal lamps at each side of the vehicle are being flashed simultaneously and the rear turn signal lamps at each side of the vehicle are being flashed simultaneously.

(12) Existing law makes it an infraction for a person to park a vehicle within 3 feet of any sidewalk access ramp constructed adjacent to a crosswalk so as to be accessible to and usable by the physically disabled, if the area adjoining the ramp is designated by either a sign or red paint.

This bill would recast the above provision to make it an infraction for a person to engage in the above conduct where the ramp is constructed at, or adjacent to, a crosswalk or at any other location on a sidewalk under the circumstance described above. Because this would expand the scope of an existing crime, the bill would impose a state-mandated local program.

(13) Existing law authorizes the owner or person in lawful possession of any private property, subsequent to notifying, by telephone or, if impractical, by the most expeditious means available, the local traffic law enforcement agency to cause the removal of a vehicle parked on the property to the nearest public garage under specified circumstances.

This bill would allow for the above action if the notification is made within one hour of the person's causing the removal of the vehicle.

(14) Existing law requires the Department of the California Highway Patrol to report to the applicable school board district if the department's inspection of a maintenance facility or terminal of any person who operates a schoolbus results in an unsatisfactory terminal rating by the department.



The bill would include carrier facility within the scope of this provision.

(15) Under existing law, all employers of drivers who operate paratransit vehicles, and the drivers of those vehicles, are required to participate in a program consistent with the controlled substances and alcohol use and testing requirements of the United States Secretary of Transportation as set forth in federal law.

This bill would specify that the above applies to employers and drivers who are not otherwise required to participate in a federal program.

(16) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~—yes. State-mandated local program: ~~no~~—yes.

The people of the State of California do enact as follows:

1 SECTION 1. *Section 20231 of the Public Contract*
2 *Code is repealed.*
3 ~~20231. The purchase of all supplies, equipment, and~~
4 ~~materials, and the construction of facilities and works,~~
5 ~~when the expenditure required exceeds twenty-five~~
6 ~~thousand dollars (\$25,000), shall be by contract let to the~~
7 ~~lowest responsible bidder or otherwise as provided by~~
8 ~~Section 20231.5. Notice requesting bids shall be published~~
9 ~~pursuant to Section 6061 of the Government Code in a~~
10 ~~newspaper of general circulation, which publication shall~~
11 ~~be made at least 10 days before bids are received. When~~
12 ~~the expected procurement required exceeds one~~
13 ~~thousand dollars (\$1,000), the board shall seek a~~
14 ~~minimum of three quotations, either written or oral,~~
15 ~~which permit prices and other terms to be compared. The~~
16 ~~board may reject any and all bids and readvertise in its~~
17 ~~discretion.~~

1 SEC. 2. Section 20341 of the Public Contract Code is
2 repealed.

3 ~~20341. (a) Contracts for construction in excess of~~
4 ~~twenty thousand dollars (\$20,000) shall be awarded to the~~
5 ~~lowest responsible bidder submitting a responsive bid~~
6 ~~after competitive bidding, except in emergency declared~~
7 ~~by the vote of two-thirds of the membership of the board.~~
8 ~~When the expected construction contract exceeds one~~
9 ~~thousand dollars (\$1,000) and does not exceed twenty~~
10 ~~thousand dollars (\$20,000), the board shall seek a~~
11 ~~minimum of three quotations, either written or oral,~~
12 ~~which permit prices and other terms to be compared.~~

13 ~~(b) If no bids are received, the project may be~~
14 ~~performed by a negotiated contract.~~

15 SEC. 3. Section 102223 is added to the Public Utilities
16 Code, to read:

17 102223. Notwithstanding Section 102222 or any other
18 provision of law, the district may procure one or more
19 streetcars that formerly operated for more than 50 years
20 in the district's service area without having to comply
21 with competitive bidding procedures.

22 SEC. 4. Section 130232 of the Public Utilities Code is
23 amended to read:

24 130232. (a) The purchase of all supplies, equipment,
25 and materials, ~~and the construction of all facilities and~~
26 ~~works,~~ when the expenditure required exceeds
27 ~~twenty-five~~ forty thousand dollars ~~(\$25,000) — (\$40,000),~~
28 ~~and the construction of all facilities and works when the~~
29 ~~expenditure required exceeds twenty-five thousand~~
30 ~~dollars (\$25,000),~~ shall be by contract let to the lowest
31 responsible bidder. Notice requesting bids shall be
32 published at least once in a newspaper of general
33 circulation. The publication shall be made at least 10 days
34 before the date for the receipt of the bids. The
35 commission, at its discretion, may reject any and all bids
36 and readvertise.

37 (b) Whenever the expected expenditure required
38 exceeds ~~one thousand~~ two thousand five hundred dollars
39 ~~(\$1,000) — (\$2,500),~~ but not ~~twenty-five~~ forty thousand
40 dollars ~~(\$25,000) — (\$40,000),~~ the commission shall obtain

1 a minimum of three quotations, either written or oral,
2 which permit prices and terms to be compared.

3 (c) Where the expenditure required by the bid price
4 is less than fifty thousand dollars (\$50,000), the executive
5 director may act for the commission.

6 (d) All bids for construction work submitted pursuant
7 to this section shall be presented under sealed cover and
8 shall be accompanied by one of the following forms of
9 bidder's security:

10 (1) Cash.

11 (2) A cashier's check made payable to the commission.

12 (3) A certified check made payable to the commission.

13 (4) A bidder's bond executed by an admitted surety
14 insurer, made payable to the commission.

15 ~~Upon~~

16 (e) *Upon* an award to the lowest bidder, the security
17 of an unsuccessful bidder shall be returned in a
18 reasonable period of time, but in no event shall that
19 security be held by the commission beyond 60 days from
20 the ~~time~~ *date that* the award ~~is~~ *was* made.

21 *SEC. 5. Section 180051 of the Public Utilities Code is*
22 *amended to read:*

23 180051. (a) A board of supervisors ~~choosing—that~~
24 *chooses* to create an entirely new entity as an authority;
25 *pursuant to Section 180050* shall determine the
26 membership of the authority with the concurrence of a
27 majority of the cities having a majority of the population
28 in the incorporated area of the county. ~~Each~~

29 (b) *Each* member of the authority, *and each alternate*
30 *designated pursuant to subdivision (c),* shall be an
31 elected official of a local governmental entity within or
32 partly within the county. Members of the board of
33 supervisors serving on an authority shall comprise less
34 than a majority ~~thereof~~ *of the authority*.

35 (c) (1) *Each member of the authority may have an*
36 *alternate to vote or otherwise officially participate on*
37 *behalf of the member at meetings of the authority when*
38 *the member is not present. Either the member, or the*
39 *alternate, but not both, may officially participate in a*

1 meeting of the authority. An alternate shall be designated
2 as follows:

3 (A) Except as specified in subparagraph (B), the local
4 governmental entity that appointed the member shall
5 designate the alternate.

6 (B) A member who serves because the member holds
7 a specified public office, as specified in the county
8 transportation expenditure plan, shall designate his or
9 her own alternate.

10 (2) An alternate acting on behalf of a member has all
11 of the rights, privileges, and responsibilities of a member.

12 SEC. 6. Section 28 of the Vehicle Code is amended to
13 read:

14 28. (a) Whenever possession is taken of any vehicle
15 by or on behalf of any legal owner thereof under the
16 terms of a security agreement or lease agreement, the
17 person taking possession shall ~~immediately~~ notify, within
18 one hour after taking possession of the vehicle, and by the
19 most expeditious means available, the city police
20 department where the taking of possession occurred, if
21 within an incorporated city, or the sheriff's department
22 of the county where the taking of possession occurred, if
23 outside an incorporated city, or the police department of
24 a campus of the University of California or the California
25 State University, if the taking of possession occurred on
26 that campus, and shall within one business day forward a
27 written notice to the city police or sheriff's department.

28 (b) Any person failing to notify the city police
29 department, sheriff's department, or campus police
30 department as required by this section is guilty of an
31 infraction, and shall be fined a minimum of three
32 hundred dollars (\$300), and up to five hundred dollars
33 (\$500). The district attorney, city attorney, or city
34 prosecutor shall promptly notify the Bureau of Security
35 and Investigative Services of any conviction resulting
36 from a violation of this section.

37 SEC. 7. Section 246 of the Vehicle Code is amended
38 to read:

39 246. A "certificate of compliance" for the purposes of
40 this code is an electronic or printed document issued by

1 a state agency, board, or commission, or authorized
2 person, setting forth that the requirements of a particular
3 law, rule or regulation, within its jurisdiction to regulate
4 or administer has been satisfied.

5 *SEC. 8. Section 5201 of the Vehicle Code is amended*
6 *to read:*

7 5201. License plates shall at all times be securely
8 fastened to the vehicle for which they are issued so as to
9 prevent the plates from swinging and shall be mounted
10 in a position to be clearly visible, and shall be maintained
11 in a condition so as to be clearly legible. The rear license
12 plate shall be mounted not less than 12 inches nor more
13 than 60 inches from the ground, and the front license
14 plate shall be mounted not more than 60 inches from the
15 ground, except as follows:

16 (a) The rear license plate on a tow truck may be
17 mounted on the left-hand side of the mast assembly at the
18 rear of the cab of the vehicle, not less than 12 inches nor
19 more than 90 inches from the ground.

20 (b) The rear license plate on a tank vehicle hauling
21 hazardous waste, as defined in Section 25117 of the Health
22 and Safety Code, or asphalt material may be mounted not
23 less than 12 inches nor more than 90 inches from the
24 ground.

25 (c) The rear license plate on a truck tractor may be
26 mounted at the rear of the cab of the vehicle, not less than
27 12 inches nor more than 90 inches from the ground.

28 (d) The rear license plate of a vehicle designed by the
29 manufacturer for the collection and transportation of
30 garbage, rubbish, or refuse and which is used regularly for
31 the collection and transportation of such material by any
32 person or governmental entity employed to collect,
33 transport, and dispose of garbage, rubbish, or refuse may
34 be mounted not less than 12 inches nor more than 90
35 inches from the ground.

36 (e) No covering shall be used on license plates:
37 ~~However, the~~ *except as follows:*

38 (1) *The* installation of a cover over a lawfully parked
39 vehicle to protect it from the weather and the elements
40 does not constitute a violation of this subdivision. Any

1 peace officer or other regularly salaried employee of a
2 public agency designated to enforce laws, including local
3 ordinances, relating to the parking of vehicles may
4 temporarily remove so much of such a cover as is
5 necessary to inspect any license plate, tab, or indicia of
6 registration on a vehicle.

7 *(2) The installation of a license plate security cover is*
8 *not a violation of this subdivision if the device does not*
9 *obstruct or impair the recognition of the license plate*
10 *information, including, but not limited to, the issuing*
11 *state, plate number, and registration tabs, and the cover*
12 *is limited to the area directly over the top of the*
13 *registration tabs. No portion of a license plate security*
14 *cover shall rest over the plate number.*

15 (f) No casing, shield, frame, border, or other device
16 that obstructs or impairs the reading or recognition of a
17 license plate by a remote emission sensing device, as
18 specified in Sections 44081 and 44081.6 of the Health and
19 Safety Code, shall be installed on, or affixed to, a vehicle.

20 *SEC. 9. Section 12517.5 of the Vehicle Code is*
21 *amended to read:*

22 12517.5. A person who is employed as a driver of a
23 paratransit vehicle shall not operate that vehicle unless
24 the person meets both of the following requirements:

25 (a) Has in his or her immediate possession a valid
26 driver's license of a class appropriate to the vehicle
27 driven.

28 (b) Successfully completes, during each calendar year,
29 four hours of training administered by, or at the direction
30 of, his or her employer or the employer's agent on the safe
31 operation of paratransit vehicles and four hours of
32 training on the special transportation needs of the
33 persons he or she is employed to transport.

34 This subdivision may be satisfied if the driver receives
35 transportation training or a certificate, or both, pursuant
36 to Section 38157, 38158, 38161, 38162, or 38165 of the
37 Education Code ~~or pursuant to Section 4648 of the~~
38 ~~Welfare and Institutions Code.~~

39 The employer shall maintain a record of the current
40 training received by each driver in his or her employ and

1 shall present that record on demand to any authorized
2 representative of the Department of the California
3 Highway Patrol.

4 *SEC. 10. Section 16560 of the Vehicle Code is*
5 *amended to read:*

6 16560. (a) Any person or corporation who operates
7 or causes to be operated on the highways of this state any
8 motor vehicle in the *interstate or foreign* transportation
9 of property ~~or passengers, other than household goods,~~
10 for compensation ~~in interstate commerce~~ without having
11 first complied with the requirements of ~~Chapter 2~~
12 ~~(commencing with Section 3901) of Division 2 of the~~
13 ~~Public Utilities Code~~ *paragraph (1) of subdivision (g) of*
14 *Section 7232* is guilty of a misdemeanor, and is punishable
15 by a fine of not more than one thousand dollars (\$1,000),
16 or by imprisonment in the county jail for not more than
17 three months, or both *that fine and imprisonment.*

18 (b) *Any person or corporation who operates or causes*
19 *to be operated on the highways of this state any motor*
20 *vehicle in the interstate or foreign transportation of*
21 *household goods or passengers for compensation without*
22 *having first complied with the requirements of Chapter*
23 *1 (commencing with Section 3901) of Division 2 of the*
24 *Public Utilities Code* is guilty of a misdemeanor, and is
25 punishable by a fine of not more than one thousand
26 dollars (\$1,000), or by imprisonment in the county jail for
27 not more than ~~more~~ three months, or both *that fine and*
28 *imprisonment.*

29 *SEC. 11. Section 21059 of the Vehicle Code is*
30 *amended to read:*

31 21059. Sections 21211, 21650, 21660, 22502, 22504, and
32 subdivision (h) of Section 22500 do not apply to the
33 operation of a rubbish or garbage truck while actually
34 engaged in the collection of ~~such material~~ *rubbish or*
35 *garbage* within a business or residence district, ~~provided~~
36 *if the* front turn signal lamps at each side of the vehicle
37 are being flashed simultaneously and *the* rear turn signal
38 lamps at each side of the vehicle are being flashed
39 simultaneously.

1 This provision ~~shall~~*does* not apply when the vehicle is
2 being driven to and from ~~such~~ work, ~~nor does~~*and it does*
3 ~~not~~ relieve the driver of ~~such a~~*the* vehicle from the duty
4 to drive with due regard for the safety of all persons using
5 the highway or protect him *or her* from the consequences
6 of an arbitrary exercise of the privilege granted.

7 *SEC. 12. Section 21211 of the Vehicle Code is*
8 *amended to read:*

9 21211. (a) No person shall stop, stand, sit, or loiter
10 upon any class I bikeway, as defined in subdivision (a) of
11 Section 890.4 of the Streets and Highways Code, or any
12 other public or private bicycle path or trail, if the
13 stopping, standing, sitting, or loitering impedes or blocks
14 the normal and reasonable movement of any bicyclist.

15 (b) No person shall place or park any bicycle, vehicle,
16 or any other object upon any bikeway or bicycle path or
17 trail, as specified in subdivision (a), which impedes or
18 blocks the normal and reasonable movement of any
19 bicyclist unless the placement or parking is necessary for
20 safe operation or is otherwise in compliance with the law.

21 (c) This section does not apply to drivers or owners of
22 utility or public utility vehicles, as provided in Section
23 22512.

24 (d) This section does not apply to owners or drivers of
25 vehicles who make brief stops while engaged in the
26 delivery of newspapers to customers along the person's
27 route.

28 (e) *This section does not apply to the driver or owner*
29 *of a rubbish or garbage truck while actually engaged in*
30 *the collection of rubbish or garbage within a business or*
31 *residence district if the front turn signal lamps at each*
32 *side of the vehicle are being flashed simultaneously and*
33 *the rear turn signal lamps at each side of the vehicle are*
34 *being flashed simultaneously.*

35 *SEC. 13. Section 22522 of the Vehicle Code is*
36 *amended to read:*

37 22522. No person shall park a vehicle within three feet
38 of any sidewalk access ramp constructed *at, or* adjacent
39 to, a crosswalk *or at any other location on a sidewalk* so
40 as to be accessible to and usable by the physically disabled,

1 if the area adjoining the ramp is designated by either a
2 sign or red paint.

3 *SEC. 14. Section 22658 of the Vehicle Code is*
4 *amended to read:*

5 22658. (a) Except as provided in Section 22658.2, the
6 owner or person in lawful possession of any private
7 property, ~~subsequent to~~ *within one hour of* notifying, by
8 telephone or, if impractical, by the most expeditious
9 means available, the local traffic law enforcement
10 agency, may cause the removal of a vehicle parked on the
11 property to the nearest public garage under any of the
12 following circumstances:

13 (1) There is displayed, in plain view at all entrances to
14 the property, a sign not less than 17 by 22 inches in size,
15 with lettering not less than one inch in height, prohibiting
16 public parking and indicating that vehicles will be
17 removed at the owner's expense, and containing the
18 telephone number of the local traffic law enforcement
19 agency. The sign may also indicate that a citation may also
20 be issued for the violation.

21 (2) The vehicle has been issued a notice of parking
22 violation, and 96 hours have elapsed since the issuance of
23 that notice.

24 (3) The vehicle is on private property and lacks an
25 engine, transmission, wheels, tires, doors, windshield, or
26 any other major part or equipment necessary to operate
27 safely on the highways, the owner or person in lawful
28 possession of the private property has notified the local
29 traffic law enforcement agency, and 24 hours have
30 elapsed since that notification.

31 (4) The lot or parcel upon which the vehicle is parked
32 is improved with a single-family dwelling.

33 (b) The person causing removal of the vehicle, if the
34 person knows or is able to ascertain from the registration
35 records of the Department of Motor Vehicles the name
36 and address of the registered and legal owner of the
37 vehicle, shall immediately give, or cause to be given,
38 notice in writing to the registered and legal owner of the
39 fact of the removal, the grounds for the removal, and
40 indicate the place to which the vehicle has been removed.

1 If the vehicle is stored in a public garage, a copy of the
2 notice shall be given to the proprietor of the garage. The
3 notice provided for in this section shall include the
4 amount of mileage on the vehicle at the time of removal.
5 If the person does not know and is not able to ascertain
6 the name of the owner or for any other reason is unable
7 to give the notice to the owner as provided in this section,
8 the person causing removal of the vehicle shall comply
9 with the requirements of subdivision (c) of Section 22853
10 relating to notice in the same manner as applicable to an
11 officer removing a vehicle from private property.

12 (c) This section does not limit or affect any right or
13 remedy which the owner or person in lawful possession
14 of private property may have by virtue of other provisions
15 of law authorizing the removal of a vehicle parked upon
16 private property.

17 (d) The owner of a vehicle removed from private
18 property pursuant to subdivision (a) may recover for any
19 damage to the vehicle resulting from any intentional or
20 negligent act of any person causing the removal of, or
21 removing, the vehicle.

22 (e) Any owner or person in lawful possession of any
23 private property, or an “association” pursuant to Section
24 22658.2, causing the removal of a vehicle parked on that
25 property is liable for double the storage or towing charges
26 whenever there has been a failure to comply with
27 paragraph (1), (2), or (3) of subdivision (a) or to state the
28 grounds for the removal of the vehicle if requested by the
29 legal or registered owner of the vehicle as required by
30 subdivision (f).

31 (f) Any owner or person in lawful possession of any
32 private property, or an “association” pursuant to Section
33 22658.2, causing the removal of a vehicle parked on that
34 property shall state the grounds for the removal of the
35 vehicle if requested by the legal or registered owner of
36 that vehicle. Any towing company that removes a vehicle
37 from private property with the authorization of the
38 property owner or the property owner’s agent shall not
39 be held responsible in any situation relating to the validity
40 of the removal. Any towing company that removes the

1 vehicle under this section shall be responsible for (1) any
2 damage to the vehicle in the transit and subsequent
3 storage of the vehicle and (2) the removal of a vehicle
4 other than the vehicle specified by the owner or other
5 person in lawful possession of the private property.

6 (g) Possession of any vehicle under this section shall be
7 deemed to arise when a vehicle is removed from private
8 property and is in transit.

9 (h) A towing company may impose a charge of not
10 more than one-half of the regular towing charge for the
11 towing of a vehicle at the request of the owner of private
12 property or that owner's agent pursuant to this section if
13 the owner of the vehicle or the owner's agent returns to
14 the vehicle before it is removed from the private
15 property. The regular towing charge may only be
16 imposed after the vehicle has been removed from the
17 property and is in transit.

18 (i) (1) A charge for towing or storage, or both, of a
19 vehicle under this section is excessive if the charge is
20 greater than that which would have been charged for
21 towing or storage, or both, made at the request of a law
22 enforcement agency under an agreement between the
23 law enforcement agency and a towing company in the
24 city or county in which is located the private property
25 from which the vehicle was, or was attempted to be,
26 removed.

27 (2) If a vehicle is released within 24 hours from the
28 time the vehicle is brought into the storage facility,
29 regardless of the calendar date, the storage charge shall
30 be for only one day. Not more than one day's storage
31 charge may be required for any vehicle released the same
32 day that it is stored.

33 (3) If a request to release a vehicle is made and the
34 appropriate fees are tendered and documentation
35 establishing that the person requesting release is entitled
36 to possession of the vehicle, or is the owner's insurance
37 representative, is presented within the initial 24 hours of
38 storage, and the storage facility fails to comply with the
39 request to release the vehicle or is not open for business
40 during normal business hours, then only one day's storage

1 charge may be required to be paid until after the first
2 business day. A business day is any day in which the
3 lienholder is open for business to the public for at least
4 eight hours. If a request is made more than 24 hours after
5 the vehicle is placed in storage, charges may be imposed
6 on a full calendar day basis for each day, or part thereof,
7 that the vehicle is in storage.

8 (j) Any person who charges a vehicle owner a towing,
9 service, or storage charge at an excessive rate, as
10 described in subdivision (i), is liable to the vehicle owner
11 for four times the amount charged.

12 (k) Persons operating or in charge of any storage
13 facility where vehicles are stored pursuant to this section
14 shall accept a valid bank credit card or cash for payment
15 of towing and storage by a registered owner or the
16 owner's agent claiming the vehicle. A person operating
17 or in charge of any storage facility who refuses to accept
18 a valid bank credit card is liable to the registered owner
19 of the vehicle for four times the amount of the towing and
20 storage charges, but not to exceed five hundred dollars
21 (\$500). In addition, persons operating or in charge of the
22 storage facility shall have sufficient moneys on the
23 premises of the primary storage facility during normal
24 business hours to accommodate, and make change in, a
25 reasonable monetary transaction.

26 Credit charges for towing and storage services shall
27 comply with Section 1748.1 of the Civil Code. Law
28 enforcement agencies may include the costs of providing
29 for payment by credit when making agreements with
30 towing companies as described in subdivision (i).

31 (l) (1) A towing company shall not remove or
32 commence the removal of a vehicle from private
33 property without first obtaining written authorization
34 from the property owner or lessee, or an employee or
35 agent thereof, who shall be present at the time of
36 removal. General authorization to remove or commence
37 removal of a vehicle at the towing company's discretion
38 shall not be delegated to a towing company or its affiliates
39 except in the case of a vehicle unlawfully parked within
40 15 feet of a fire hydrant or in a fire lane, or in a manner

1 which interferes with any entrance to, or exit from, the
2 private property.

3 (2) If a towing company removes a vehicle without
4 written authorization and that vehicle is unlawfully
5 parked within 15 feet of a fire hydrant or in a fire lane, or
6 in a manner which interferes with any entrance to, or exit
7 from, the private property, the towing company shall
8 take, prior to the removal of that vehicle, a photograph
9 of the vehicle which clearly indicates that parking
10 violation. The towing company shall keep one copy of the
11 photograph taken pursuant to this paragraph, and shall
12 present that photograph to the owner or an agent of the
13 owner, when that person claims the vehicle.

14 (3) Any towing company, or any affiliate of a towing
15 company, which removes, or commences removal of, a
16 vehicle from private property without first obtaining
17 written authorization from the property owner or lessee,
18 or an employee or agent thereof, who is present at the
19 time of removal or commencement of the removal,
20 except as permitted by paragraph (1), is liable to the
21 owner of the vehicle for four times the amount of the
22 towing and storage charges, in addition to any applicable
23 criminal penalty, for a violation of paragraph (1).

24 *SEC. 15. Section 34501.13 of the Vehicle Code is*
25 *amended to read:*

26 34501.13. If the inspection of a *carrier facility*,
27 maintenance facility, or terminal of any person who
28 operates a schoolbus results in an unsatisfactory terminal
29 rating by the department, the department shall notify the
30 school board of the district ~~which~~*—that* is responsible for
31 the terminal.

32 *SEC. 16. Section 34520.5 of the Vehicle Code is*
33 *amended to read:*

34 34520.5. (a) All employers of drivers who operate
35 paratransit vehicles, and the drivers of those vehicles,
36 *who are not otherwise required to participate in a testing*
37 *program of the United States Secretary of Transportation,*
38 shall participate in a program consistent with the
39 controlled substances and alcohol use and testing
40 requirements of the United States Secretary of

1 Transportation as set forth in Part 382 (commencing with
2 Section 382.101), Part 653 (commencing with Section
3 653.1), or Part 654 (commencing with Section 654.1) of
4 Title 49 of the Code of Federal Regulations.

5 (b) Section 34520 is applicable to any controlled
6 substances or alcohol testing program undertaken under
7 this section.

8 (c) The employer of a paratransit vehicle driver shall
9 participate in the pull notice system defined in Section
10 1808.1.

11 *SEC. 17. No reimbursement is required by this act*
12 *pursuant to Section 6 of Article XIII B of the California*
13 *Constitution because the only costs that may be incurred*
14 *by a local agency or school district will be incurred*
15 *because this act creates a new crime or infraction,*
16 *eliminates a crime or infraction, or changes the penalty*
17 *for a crime or infraction, within the meaning of Section*
18 *17556 of the Government Code, or changes the definition*
19 *of a crime within the meaning of Section 6 of Article*
20 *XIII B of the California Constitution.*

